

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

SHARON GOODEN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 12-00286-CV-W-DGK
)	
CITY OF NORTH KANSAS CITY,)	
MISSOURI, et al.,)	
)	
Defendants.)	

**DEFENDANT CITY OF NORTH KANSAS CITY AND CLAY COUNTY'S
MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(6)**

COME NOW Defendants City of North Kansas City and Clay County, by and through their undersigned counsel of record, pursuant to Fed. R. Civ. P. 12(b)(6), and respectfully move this Court to enter its Order dismissing them with prejudice for the reason the Complaint fails to state a viable claim upon which relief may be granted against them. As grounds for their Motion, moving Defendants state and allege to the Court as follows:

1. This is a civil action in which Plaintiff attempts to advance civil rights claims pursuant to 42 U.S.C. § 1983 against two governmental entities, the City of North Kansas City and Clay County.

2. With regard to the City of North Kansas City, other than being identified as a named Defendant in the Complaint, there is no claim or allegation that this entity or any of its representatives engaged in any conduct which violated Plaintiff's constitutional rights.

3. With regard to Clay County, the Complaint does not state sufficient facts to present a viable theory of recovery permissible under *Monell v. Dep't. of Social Services of the City of New York*, 436 U.S. 658 (1978).

4. Pursuant to Rule 12(b)(6), this Court is empowered to grant the relief sought herein.

5. Moving Defendants incorporate herewith their Suggestions in Support of this Motion as though said Suggestions had been set forth at length herein.

WHEREFORE, based upon the above and foregoing, Defendants City of North Kansas City and Clay County respectfully pray this Court to issue its Order dismissing them with prejudice from this lawsuit, together with such other and further relief as this Court deems just and appropriate.

Respectfully submitted,

FISHER, PATTERSON, SAYLER & SMITH, LLP

/s/ David S. Baker
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Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of May, 2012, I electronically filed the above and foregoing with the Clerk of the Court using the CM/ECF system. I further certify that I have caused to be served on the following a true and correct copy of the above and foregoing by depositing same in the United States Mail, postage prepaid, on the 22nd day of May, 2012:

Sharon Gooden
P.O. Box 15301
Shawnee Mission, KS 66285
Pro Se Plaintiff

/s/ David S. Baker
DAVID S. BAKER